



STATE OF DELAWARE  
**DEPARTMENT OF AGRICULTURE**  
2320 SOUTH DUPONT HIGHWAY  
DOVER, DELAWARE 19901  
AGRICULTURE.DELAWARE.GOV

MICHAEL T. SCUSE  
SECRETARY

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**Respondent:**

**Green Lawn Fertilizing  
1107 Saunders Ct.  
West Chester, PA 19380**

**Violations:**

§1224(c)(1) –Operating in a faulty, careless, or negligent manner.

**Penalty:**

Respondent signed a consent agreement on October 2021. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$315.00

**STIPULATED FACTS**

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1. Green Lawn Fertilizing (“Respondent”) is a commercial pesticide applicator business with an office located at 1107 Saunders Ct., West Chester, PA 19380. Respondent is licensed (License No. 1449) by the Delaware Department of Agriculture (“the Department”). Jon Shuey is the Manager of Respondent and is certified by the Department as a commercial pesticide applicator (Cert. # 20-129), in Category 7.3, Ornamental and Turf Pest Control (03).
2. Respondent employs John Stacey as a lawn care technician. Mr. Stacey is a registered service employee for Respondent. Mr. Stacey has been a registered service employee since 3/5/2021.
3. Respondent employs Sean O’Hara as a service manager. Mr. O’Hara is a certified applicator (Cert. #11-489). O’Hara is certified in Category 7.3, Ornamental and Turf Pest Control (03).
4. The Pesticide Section of the Department (“Complainant”) is bringing this enforcement action against Respondent. Emmanuel Sempeles, (“Sempeles”), is employed as an Environmental Scientist I with the Department.
5. On August 16h 2021, the Delaware Department of Agriculture received a complaint



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email from homeowner Deane Coffin. In the email the complainant stated that their yard had been accidentally sprayed by the respondent. On August 17<sup>th</sup> Sempeles spoke with Mr. Deane on the phone. Mr. Deane explained that the yard had been treated on July 27<sup>th</sup>, 2021. Mr. Deane also explained that the Service manager, Mr. O'Hara had been out to his property to assess that damage to the lawn.

6. On August 17<sup>th</sup>, 2021, Sempeles received the applications records, training records and disciplinary actions for the applicator and photographs taken during the initial spray. The disciplinary action notes that the applicator treated 2513 Eaton Road instead of treating 2515 Eaton Drive.
7. On August 20<sup>th</sup>, 2021, Sempeles visited the property located at 2513 Eaton Road, Wilmington, DE 19810. Sempeles took photographs of the suspected damage, the Department did not sample the treated areas due to the amount of time in between the treatment and the date it was reported. Sempeles noted some dead weeds in the yard, but also documented areas of dryness. Mr. Coffin also alleged exposure to the pesticides on his shoes when he removed the sign from the yard. The Department was unable to confirm this claim due to the time in between the applications and the complaint email. Mr. Coffin also disposed of his shoes so the Department was unable to sample them.
8. *Title 3 Agriculture Delaware Administrative Code 601 Delaware Pesticide Rules and Regulations 14.1 states: Commercial Applicators. Commercial applicators shall, for a period of two years from the date of application, keep records detailing the application of any pesticides to include.*
  - 14.1.1 The brand name of the pesticide used.
  - 14.1.4 The pest against which the pesticide was used.
  - 14.1.7 In addition to the above record keeping requirements, the applicator shall have available at the site of application, a copy of the label of the pesticide being used. Upon request, the applicator shall provide any interested person at or adjacent to the application site, with any information contained on the pesticide label.
9. Chaser 2 Amine, EPA Reg. No. 34704-930 is a registered pesticide in the State of Delaware.
10. Q-Ball, EPA Reg. No. 228-744 is a registered pesticide in the State of Delaware.
11. In the past 5 years, Respondent has not had any compliance issues with the Delaware